

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS AND COMPLAINT 70 88 37	CASE NO. 12-022222-GC
---	--	--	---------------------------------

Court address

Court telephone no.

BERRIEN COUNTY TRIAL COURT 1205 N. FRONT ST. NILES, MI 49120 269-684-5274

Plaintiff's name(s), address(es), and telephone no(s).

CAPITAL ONE BANK (USA), N.A.

Plaintiff's attorney, bar no., address, and telephone no.

SHERMETA, ADAMS & VON ALLMEN, P.C.
BY: KYLE J. VON ALLMEN (P52776)
P.O. BOX 5016
ROCHESTER, MI 48308
(248) 519-1700

Defendant's name(s), address(es), and telephone no(s).

REBEL HAYS
31283 US HIGHWAY 12
NILES, MI 49120

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued: 11/5/12	This summons expires 2/4/13	Court clerk SUSAN GRECO
------------------------	------------------------------------	--------------------------------

This summons is invalid unless served on or before its expiration date.
This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
SAME AS ABOVE	SAME AS ABOVE
Place where action arose or business conducted	



Date **10/29/2012**

Signature of attorney/plaintiff **KYLE J. VON ALLMEN (P52776)**
TERRI P. GRUCA (P55821)
DEBORAH A. WINSLOW (P63117)

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
IN THE BERRIEN JUDICIAL DISTRICT COURT

CAPITAL ONE BANK (USA), N.A.

Plaintiff,

vs.

Case No.

REBEL HAYS

Defendant(s). /

SHERMETA, ADAMS & VON ALLMEN, P.C.

BY: KYLE J. VON ALLMEN (P52776)

Attorneys for Plaintiff

P.O. Box 5016

Rochester, Michigan 48308

(248) 519-1700 /

COMPLAINT

NOW COMES the Plaintiff, CAPITAL ONE BANK (USA), N.A.,
by and through its attorneys,
SHERMETA, ADAMS & VON ALLMEN, P.C., and for its Complaint against
the above named Defendant(s) states to this Honorable Court as
follows:

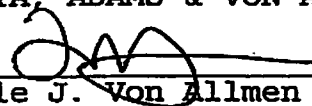
1. Jurisdiction and venue are proper in this Court.
2. Defendant(s) entered into a credit card agreement with
Plaintiff on MAY 07, 2011 for a credit card account with
account number *****3886.
3. Upon information and belief, Defendant(s) has possession
of the agreement upon which this claim is based.
4. Defendant(s) agreed to the terms and conditions of the
credit card agreement by making purchases or taking cash advances
on the credit card account.
5. Plaintiff has fully complied with the terms and conditions
of the credit card agreement.
6. Defendant(s) has defaulted under the terms and conditions
of the credit card agreement by failing to pay as promised.
7. There is presently due and owing the sum of \$556.67.

WHEREFORE, Plaintiff prays for Judgment in the amount of
\$556.67 plus costs, interest and attorney fees.

Dated: OCTOBER 29, 2012
708837/Q1

SHERMETA, ADAMS & VON ALLMEN, P.C.

BY:



Kyle J. Von Allmen (P52776)

Terri P. Gruca (P55821)

Deborah A. Winslow (P63179)

PROOF OF SERVICE**SUMMONS AND COMPLAINT**
Case No.

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☒ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☒ I served personally a copy of the summons and complaint,

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time
Rebel Hays	31283 US 12 Niles Mich	Monday 12-31-12 1234 PM

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief

Service fee	Miles traveled	Mileage fee	Total fee
\$ 21.00	12	\$ 999	\$ 30.99

Signature

Name (type or print)

Title

Subscribed and sworn to before me on

Date

County, Michigan.

My commission expires:

Date

Signature:

Deputy court clerk/Notary public

Notary public, State of Michigan, County of

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments

on

Day, date, time

on behalf of

Signature